

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SOUNDEXCHANGE, INC.,

Plaintiff,

v.

SIRIUS XM RADIO INC.,

Defendant.

Case No. 1:24-cv-05491-NRB

Hon. Naomi Reice Buchwald

**DEFENDANT SIRIUS XM RADIO LLC’S NOTICE OF MOTION
FOR JUDGMENT ON THE PLEADINGS**

PLEASE TAKE NOTICE that Defendant Sirius XM Radio LLC¹ (“Sirius XM”), will move this Court, at the United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York 10007, before the Honorable Naomi Reice Buchwald, for an Order, pursuant to Federal Rule of Civil Procedure Rule 12(c), dismissing Plaintiff SoundExchange, Inc.’s (“SoundExchange”) Complaint for failure to state a claim because SoundExchange has no private right of action under the federal statute it seeks to enforce.

¹ Sirius XM Radio LLC is the successor to Sirius XM Radio Inc. *See* ECF No. 55 (Supplemental Rule 7.1 Disclosure).

Dated: October 28, 2024

Respectfully submitted,

By: /s/ Todd Larson

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